

31 JAN 2005

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In re Application of
Esko Siren
Application No.: 09/381,441
PCT No.: PCT/FI98/00239
Int. Filing Date: 18 March 1998
Priority Date: 20 March 1997
Attorney's Docket No.: 13025
For: STRIPE-LINE INDUCTOR

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: DECISION ON RENEWED
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: PETITION UNDER
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: 37 CFR 1.181
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This decision is responsive to applicant's "RENEWED PETITION UNDER 37 CFR 1.181" filed 21 August 2003.

BACKGROUND

In a decision from this Office on 03 June 2003, the petition filed on 30 October 2000 was dismissed. The decision stated that applicant had not met the requirements under MPEP section 711.03(c) to establish non-receipt of an Office action.

On 21 August 2003, applicant filed a renewed petition, accompanied by a copy of a computer generated document from practitioner's computer-based docketing system identifying all matters in practitioner's office docketed for action for the date of December 1, 1999 showing the replies docketed for a date of one month from the mail date of the non-received Office action (i.e., the date of month from the mail date of the non-received Notification of Missing Requirements), and a copy of the subject application's specific docket record of the mail received and docketed during the time period where the non-received Office action would have been entered had it been received.

DISCUSSION

A review of the December 1, 1999 docket report showing all replies docketed for a date of one month from the November 1, 1999 mail date of the Notification and the copy of the docket report shows that the Notification was not received by applicant's representative. Accordingly, this showing overcomes the presumption that applicant did receive the Notification, and withdrawal of abandonment of the above application is appropriate.

Applicant has established *prima facie* evidence that the Notification of Missing Requirements mailed on 01 November 1999 was not received. Accordingly, applicant has now met the requirements under MPEP section 711.03(c).

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED**.

The NOTIFICATION OF ABANDONMENT, mailed 25 August 2000 has been **VACATED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for the re-mailing of the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) previously mailed on 01 November 1999, and setting a new two-month extendable period for reply to the communication.



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